

REMARKS

Specification

The specification has been amended in accordance with MPEP 2163.06 to merely clarify the specification in light of the pending claims and the drawings.

Drawings

The drawings have been amended as indicated above.

Claims

Claims 1-4 and 41-43 are pending in the application. Claims 1-2, 4, and 41-42 are independent. Claims 1-4 and 41-42 have been amended to more clearly define the invention. Claims 5-40 were previously canceled. No claims have been canceled in the current amendment. Claim 43 has been added. Reconsideration is respectfully requested.

Claim Rejections – 35 U.S.C. §102(e)

Claims 1, 4, and 41-42 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bennett 1 (U.S. Pat. No. 6,089,977).

Claims 1, 4, and 41-42 have been amended to overcome this rejection. The invention as claimed in amended claim 1 defines over the prior art or any combination thereof. Claim 1 recites a video gaming machine comprising a housing having a display device for displaying a plurality of game elements in a grid having a plurality of cells defined by rows and columns. A game controller is adapted to randomly select the game elements to be displayed in the display device from a set of possible game elements and to determine an outcome based on the displayed game elements, a pay-table, and predetermined paylines. The set of possible game elements includes a bonus element, and the game controller is further adapted to identify the presence of the bonus element in one of the cells of at least one column and to modify all of the symbols within the column to wild without modifying any of the game elements in other columns in which a bonus element is not present and only if a wild

character in any one of the cells of the column would result in a winning outcome to a player of the video gaming.

The game controller of Bennett 1 modifies all of the game elements in the entire grid of cells regardless of the whether each of the columns includes the bonus element or not. Bennett 1 does not base its modification of game elements to wild on whether the game elements are in the same column as the bonus element, as required by claim 1. Bennett 1 also does not differentiate between winning outcomes and non-winning outcomes in determining whether or not to initiate its bonus round. Bennett 1 automatically begins and carries out the bonus round when the bonus element is identified. The present invention embodied in claim 1 prevents the boredom or lack of excitement associated with modifying a column of cells to wild without resulting in a winning outcome by requiring that the game controller turn the game elements in the column to wild only if it would result in a winning outcome to the player. If the wild cells have no chance of producing a winning outcome, there is no sense to modify the cells and waste the player's time and risk the chance that the player will move to a more exciting video gaming machine.

For these reasons, Applicant respectfully submits that independent claim 1 is placed in condition for allowance.

Applicant respectfully submits that independent claims 2, 4, and 41 are also placed in condition for allowance based on the reasons set forth above in reference to claim 1 in distinguishing claim 1 over Bennett 1. Applicant also submits that dependent claim 3 is also placed in condition for allowance based on its dependency to claim 2 and the failure of Bennett 1 to anticipate claim 2.

Applicant notes that while claim 42 was rejected as being anticipated by Bennett 1, the limitations of claim 42 were not matched with limitations in Bennett 1 in the Examiner's outline of corresponding limitations on page 2 of the Office Action. Thus, Applicant respectfully submits that claim 42 and claim 43, which depends from claim 42, are also in condition for allowance.

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Claim Rejections – 35 U.S.C. §103(a)

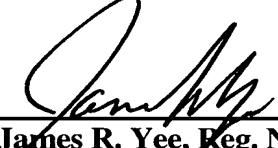
Claims 2-3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bennett 1 in view of Bennett 2 (U.S. Pat. No. 6,251,013). These rejections are now moot based on the amendments to the claims and the arguments presented above.

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Applicant believes the application is now in condition for allowance, which allowance is respectfully solicited. Applicant believes that no additional fees are required, however, the Commissioner is authorized to charge our Deposit Account No. 08-2789 for any additional fees or credit the account for any overpayment.

Respectfully submitted,
HOWARD & HOWARD ATTORNEYS

May 17, 2004
Date



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CERTIFICATE OF MAILING

I hereby certify that this Amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner of Patents, **MAILSTOP AMENDMENT**, PO Box 1450, Alexandria, VA 22313-1450, on May 17, 2004.

Christine M. Wolfe

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